

Transmittal Letter

Application number: 10/604945

Title: BIOINFORMATICALLY DETECTABLE GROUP OF NOVEL VIRAL
REGULATORY GENES AND USES THEREOF

First named inventor: Itzhak Bentwich

Machine format: IBM-PC

Operating system compatibility: MS-Windows

CDs:

Sequence Listing Copy 1 content:

| Name: | Size (KB) | Creation date | Type |
|--------------|-----------|---------------|------------------|
| seq_list.txt | 7,042 | 08/24/03 | Sequence listing |

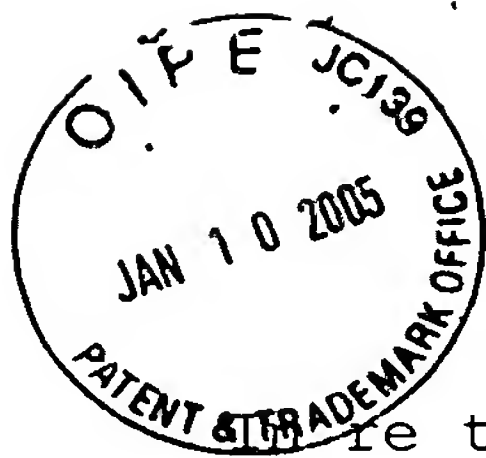
Sequence Listing Copy 2 content:

| | | | |
|--------------|-------|----------|------------------|
| seq_list.txt | 7,042 | 08/24/03 | Sequence listing |
|--------------|-------|----------|------------------|

Sequence Listing Computer Readable Format content:

| | | | |
|--------------|-------|----------|------------------|
| seq_list.txt | 7,042 | 08/24/03 | Sequence listing |
|--------------|-------|----------|------------------|





Box 509
J. F. 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re the application of:

Itzhak BENTWICH

Serial No: **10/604,945**

Group Art Unit:

Filed : **August 27, 2003**

Examiner:

For : **BIOINFORMATICAALLY DETECTABLE GROUP
OF NOVEL VIRAL REGULATORY GENES AND
USES THEREOF**

RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS

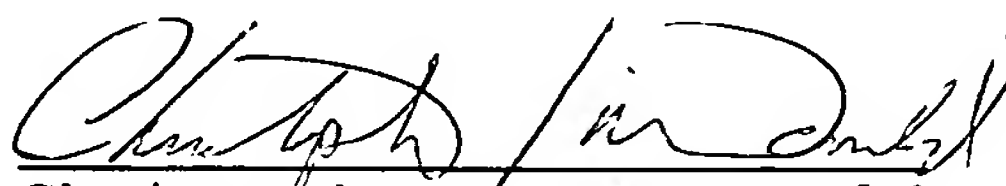
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice dated October 19, 2004, Applicant encloses a copy of the "Notice", a Sequence Listing in Computer Readable Form including an unsealed padded and protective mailing envelope containing 3 CDs (Sequence Listing Copy 1, Sequence Listing Copy 2, Sequence Listing Computer Readable Form (CRF) with a signed Declaration that the 3 CDs have identical content; an Amendment of specification to cancel references to omitted drawings with a preliminary amendment support statement; and a transmittal letter describing the machine and operating system formats of the CDs and the contents and size of the file on each CD.

A one month extension of time is requested. Applicant submits a Credit Card Authorization Form to cover the fee of \$60.00.

Respectfully submitted,

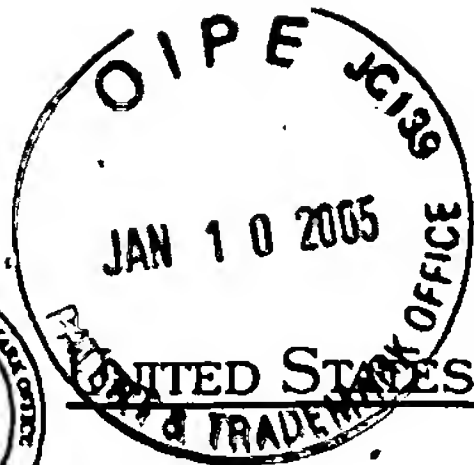

Christopher J. McDonald
Reg. 41,533

January 7, 2005

HOFFMAN, WASSON & GITLER, PC
2461 South Clark Street
Crystal Center 2 - Suite 522
Arlington, VA 22202
(703) 415-0100

Attorney's Docket: 05-0007#2/cat

01/11/2005 RELEASED 00000017 10304945 60.00 00
01 10:28:38



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/604,945 | 08/28/2003 | Itzhak Bentwich | |

37808
ROSETTA-GENOMICS
10 PLAUT-STREET SCIENCE PARK
P.O. BOX 2061
REHOVOT, 76706
ISRAEL

CONFIRMATION NO. 1944

FORMALITIES LETTER



OC000000014133073

Date Mailed: 10/19/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

The following item(s) appear to have been **omitted** from the application:

- Figure(s) **15A-3084D** and **3085-50457** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Meaza W

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE